

REMARKS/ARGUMENTS

Favorable reconsideration of this application in view of the above amendments and following remarks is respectfully requested.

Claims 16-31 are pending in this application. By this amendment, Claims 16, 27-28 and 31 are amended; and no claims are added or canceled herewith. It is respectfully submitted that no new matter is added by this amendment.

In the outstanding Office Action, the specification was objected to; Claims 16, 22 and 31 were rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 4,185,445 to Van der Lely; Claims 16 and 31 were rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 4,715,172 to Mosby; Claims 23-27 were rejected under 35 U.S.C. §103(a) as unpatentable over Van der Lely; and Claims 17-21 and 28-30 were rejected under 35 U.S.C. §103(a) as unpatentable over Van der Lely and/or Mosby and further in view of U.S. Patent No. 5,598,691 to Peeters.

The applied art does not teach or suggest a main frame carrying a first gathering device consisting of a pick-up and at least a second gathering device consisting of a pick-up, the pick-up situated substantially beside one another with respect to the direction of travel, a first and second swathing device respectfully associated with the first and second pick-ups and located behind the first and second pick-ups, and a raking means situated in front of inner ends of the first and second pick-ups, as recited in Claim 16 and similarly recited in Claim 31.

Instead, Van der Lely discloses a mowing machine comprising at least one cutting element and a crushing member located behind the cutting element with respect to the direction of travel, for crushing cut crop. That is, Van der Lely describes a mower in connection with Figures 5 to 9. This mower is composed of two cutting devices each comprising a cutting bar 109. On the back of each of these cutting bars there is a conveying

screw 113. Each of these screws brings the mowed products towards the middle and leads them into a conditioning device 116. Between the two cutting bars 109 there is a mowing element 85 that is made up of a drum 86 equipped with blades 88 and possibly a carrier to move the forage. Accordingly, Van der Lely is concerned with mowers for cutting products that are still standing and for conditioning them before dropping them back onto the ground. The machine of Van der Lely performs a task different from the one that is covered by claimed invention.

Additionally, Mosby merely discloses a harvesting machine which is a swather that is concerned with positioning an arm 204 based on the level of the wheel 24 of the header and the height of the reel so that the arms 204 are maintained in proper position without contacting during operation of the headers. In this way the crop in the area adjacent the junction between the two headers is properly cut.

Accordingly, there is no teaching or disclosure for the claimed features. Specifically, the machine according to one or more exemplary embodiments of the invention is a machine to windrow the produce. The machine includes two pick-ups 19 and 20 to pick-up the produce on the ground in two windrowing devices 27 and 28 that are associated with the pick-ups and form a windrow. Between the two pick-ups 19 and 20, a means 35 is provided to separate the product and thus, to benefit the picking up and the guiding of the produce onto the windrowing device 27 and 28. The applied art does not teach or suggest all the features claimed in the claimed invention, and therefore cannot provide at least the advantages discussed above.

Further, it is respectfully submitted that there is no basis in the teachings of either van der Lely or Mosby to support the applied combination. Certainly, the outstanding Office Action fails to cite any specific teachings within either reference to support the applied combination. Accordingly, it is respectfully submitted that the combination of van der Lely

and Mosby is a result of hindsight reconstruction in view of the teachings of the present specification, and is improper.

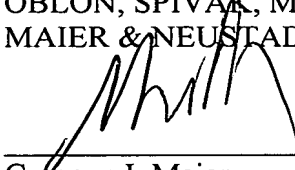
Accordingly, withdrawal of the rejection of the claims under 35 U.S.C. §102(b) and 35 U.S.C. §103(a) is respectfully requested.

Consequently, for the reasons discussed in detail above, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. Therefore, a Notice of Allowance is earnestly solicited.

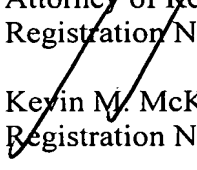
Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact the undersigned representative at the below listed telephone number.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Attorney of Record
Registration No. 25,599



Kevin M. McKinley
Registration No. 43,794

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 03/06)
KMM/rac

I:\ATTY\KMM\PROSECUTION WORK\255484\10-17-06 AMENDMENT.DOC

Robert T. Pous
Registration No. 29,099